IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 21ST JUNE 2007 / 31ST JYAISHTA 1929

Bail Appl..No. 3762 of 2007()

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CMP.3431/2007 of J.M.F.C.,MAVELIKKARA
CRIME NO.127/2007 OF KURATHIKADU POLICE STATION

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PETITIONERS/ACCUSED
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1. SANTHOSH, AGED 43 YEARS, THUDDATHIL THARAYIL,UMBERNADU MURI, THEKKEKKARA VILLAGE (A7).

2. SURESH BABU, AGED 42 YEARS, KOCHUPARAMBIL KIZHAKKETHIL, UMBERNADU MURI, THEKKEKARA VILLAGE (A10).

3. BHASI, AGED 41 YEARS, GEETHA BHAVANATHIL UMBERNADU MURI, THEKKEKARA VILLAGE (A 11).

BY ADV. SRI.R.PADMAKUMAR

RESPONDENTS:
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STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**R.BASANT, J.**

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B.A.No.3762 of 2007

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Dated this the 21st day of June 2007

**O R D E R**

The petitioners are accused 7,10 and 11. They face allegations inter alia under Section 307 read with 149 I.P.C. Political animosity is the alleged motive. The alleged incident took place on 23/5/2007. The petitioners are in custody from 26/5/2007. The learned counsel for the petitioner submits that the petitioners have been implicated with absolutely no tangible material. On the sole ground that they are sympathisers of a political ideology, they have been unnecessarily and vexatiously arrayed as accused. They may be enlarged on bail, prays the learned counsel for the petitioner. The learned Public Prosecutor opposes the application on the ground that there is a tense law and order situation in the locality. There have been incidents and counter incidents in the locality. He submits that in some of the cases, this court has already been granted bail to some of the accused persons subject to very strict conditions. The learned Public Prosecutor submits that if at all the court

were inclined to grant bail, it may be subject to appropriate conditions which shall safeguard the interests of the prosecution as also contribute to the return of peace and harmony in the locality.

2. Having considered all the relevant inputs, I am satisfied that bail can be granted to the petitioner subject of course to appropriate conditions.

3. In the result, this petition is allowed. The petitioners shall be released on bail on the following terms and conditions:

i) The petitioners shall not be released from custody on the strength of this order prior to 02/07/2007. The police shall, in the meantime, make every endeavour to complete the investigation.

ii) They shall execute a bond for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 12 noon on all Mondays and Fridays, until further orders.

iv) They shall not enter the jurisdiction of the Kurathikadu police station until further orders except for the purpose of complying with condition (iii).

**(R.BASANT, JUDGE)**

jsr

// True Copy// PA to Judge

**R.BASANT, J.**

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007